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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,435	01/06/2004	Nicolaas Martin Prakken	2001-1313	2560

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

PARADISO, JOHN ROGER

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,435	Applicant(s) PRAKKEN, NICOLAAS MARTIN	
	Examiner John R Paradiso	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-8 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOODMAN ET AL (US 5284003) in view of SPATAFORA (US 5791124) and VAN DAM (US 6574943).

GOODMAN ET AL discloses a method and apparatus for filling a box with a number of flexible bags. A first linear group of bags is conveyed on a first surface (100, 200) to a vacuum-equipped transfer means (402) and transferred to a second surface (500), where the bags are stacked in a cassette (714) and then transferred to a box (800)

GOODMAN ET AL does not disclose separations on the surface to separate bags.

SPATAFORA discloses a method and apparatus for packaging comprising a conveyor with separators (44, 45) that separate items to be transferred and keep the items at an even spacing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of GOODMAN ET AL by adding separators to the surfaces,

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as taught by SPATAFORA, in order to more positively control the bags as they are moved from place to place.

The combination of GOODMAN ET AL and SPATAFORA does disclose stacking the bags in the cassette and then pushing them into the box.

VAN DAM discloses a method and apparatus for filling a box with a number of flexible bags in which the bags (6) are moved from a conveyor (2) to a cassette, where they are stacked, and the stack is then pushed (17) into a box (19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of GOODMAN ET AL and SPATAFORA by having the vacuum transfer apparatus move bags from the second surface to the cassette, where they will be stacked, and then pushed by a pusher from the cassette into the box, as taught by VAN DAM, in order to provide a smoother transition for the bag stacks.

The combination of GOODMAN ET AL, SPATAFORA, and VAN DAM does not specifically disclose the stacking of one layer of bags with another layer next to it. However, it would have been an obvious matter of design choice to lay the bags in this manner or in any other stacking arrangement that provided the best fit for the bags in the box, since applicant has not disclosed that stacking with two stacks solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any other stacking arrangement that provided the best fit for the bags in the box.

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Reference Citations

3. The following prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure:

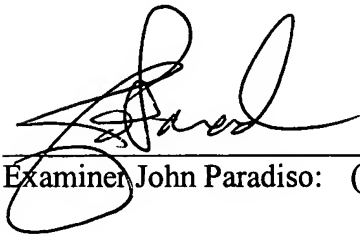
- DIETRICH ET AL discloses a method and apparatus for packaging articles in boxes, moving the articles on a conveyor that uses separators (38) to maintain spacing of the articles.
- FOCKE ET AL discloses a process and apparatus for transferring articles from a conveyor with a vacuum transfer apparatus.
- FURUKAWA ET AL discloses a pusher that moves articles from a staging area into a container.
- KITAGAWA ET AL discloses the stacking of articles in boxes.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466

December 12, 2004

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 308-7135

Fax (Official): (703) 872-9306

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)